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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,793

Applicant(s)

DELLER ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/30/06 have been fully considered but they are not persuasive.

Applicants disagree with the Examiner's inherency statement regarding the use of an authoring tool and argue that the disclosure in Kaiser still does not teach or suggest that the compiled business data is processed according to the generated script (page 11).

Regarding Applicant's argument, the Examiner is quite confused how Kaisers teachings of various scripting languages and markup page formats (see column 12, lines 34-39) would not require at some point prior to receipt of the business data the use of an authoring tool to create the information. While Kaiser might not explicitly teach the use of compiled XML data, scripts are utilized in order to process the data for display.

Applicant argues that Kaiser does not teach or suggest that the business data and script are streamed to a receiver (page 11).

The Examiner disagrees entirely. Kaiser clearly shows in figure 1, that data is transmitted to a user device 1300 from devices 1800 and 1500 (column 5, lines 32-54, column 8, lines 1-44).

Applicant argues that Kaiser does not teach or suggest that the receiver uses the script to access the compiled business data (page 12).

The Examiner disagrees entirely. Figure 7 is implemented via various scripting languages in conjunction with HTML pages (column 11, lines 16-43).

Applicant argues that Kaiser does not teach or suggest a request to download business data but rather teaches a trigger to initiate video production (page 13).

The Examiner disagrees entirely. See Kaiser figures 7-9 and the entirety of columns 11-12 with regards to downloading XML or HTML pages. A user requests various pages and a video representation of the pages are displayed to the user.

Applicant argues that Kaiser does not teach or suggest compilation of the business data into binary form to improve access speed (Page 14).

Regarding applicant's argument, Schwartz is relied upon to teach compilation. Kaiser inherently teaches improving the access speed to the business data as XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert the XML to displayable HTML. Applicant has failed to argue this point and therefore the inherency statement is correct.

Applicant argues that as Kaiser is directed to an interface for allowing a user to interact, whereas claim 8 recites processing a request within a script to map business

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data into a location within the template, Kaiser fails to teach the claimed limitations (page 14).

The Examiner disagrees entirely. Kaiser teaches that the displays in figure 6 may be a HTML webpage with television extension tags, or the ASI's may be implemented within an HTML table. (column 10, lines 9-64). Further the ASI's are may be scripts (column 8, lines 48-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser in view of U.S. Patent 6,473,609 to Schwartz.

Regarding claim 1, Kaiser discloses a method for transmitting interactive television information over a television broadcast (column 5, lines 33-49, video and data may be transmitted via broadcast), comprising:

transmitting business data in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

generating a script using a script authoring tool (column 11, line 62-column 12, line 5, figure 5, scripts are generated and transmitted to a user so that a user may request information or purchase a product, Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to load or run an XML page), wherein said business data is processed according to said generated script (column 11, line 62-column 12, line 39, the information request is satisfied via a received HTML or XML page, or scripts); and

streaming the business data and the script to a receiver for generating video information for a user's television (column 7, lines 37-50, WebTV or STB with TV), wherein the receiver uses the script to access the compiled business data and generate a presentation of the products for the user (column 8, line 29-column 10, line 8, figure 6a).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or

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XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

Regarding claims 2, 11, 12, 15, and 23, Kaiser discloses that the business data is compatible with a version of XML (column 5, lines 59-64).

Regarding claim 3 and 16, Kaiser discloses that the business data may be XML (column 5, lines 59-64). Kaiser inherently teaches improving the access speed to the business data as XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert the XML to displayable HTML.

Schwartz is relied upon to teach the use of compiled XML and HTML.

Regarding claim 4 and 17, Kaiser discloses that the business data may be XML (column 5, lines 59-64). Kaiser inherently reduces the size of the business data as XML auto formats the display of the content, one set of content can be displayed multiple ways with the content and the structure being independent from one another. In particular, in figures 6c and 6d, Kaiser shows a set of XML content 6400, which is formatted in two different ways.

Regarding claim 5, Kaiser discloses that the receiver may be a STB (column 5, line 41).

Regarding claims 6, 10, and 22, Kaiser discloses that the receiver may be a computer or WebTV (column 7, lines 37-50), in communication with a computer network or internet (column 5, lines 45-54).

Kaiser fails to disclose if the business data is transmitted to the receiver using a modem.

The examiner takes official notice that the use of a modem to transmit data to a receiver is notoriously well known in the art. Modems provide a low cost hardware interface to a network.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize a modem to transmit business data to the receiver, for the advantage of providing a low cost hardware interface to a network.

Regarding claim 7, Kaiser discloses a method for receiving interactive television information and providing interactive television to user , comprising:

Processing requests within a script to download business data (figures 5, 6a column 9, lines 32-46, column 10, lines 1-8),

Receiving business compiled in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63, column 6, lines 14-19), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

Processing requests within the script to map an item of the business data into a position within an authored page template (column 9, line 44-column 10, line 7), wherein

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a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

Regarding claim 8, Kaiser discloses processing a request within the scrip to map a 2d array of business data into a 2da array location within the authored page template (figure 6c, column 10, line 51-column 11, line 3).

Regarding claim 9, Kaiser discloses processing a request within the script to construct a message containing business data, based on user action (column 8, line 44-64, column 9, lines 48-53, column 10, line 51-64 column 12, lines 29-48, a user requests for information on a product or to purchase a product); and

Transmitting the selection to a transaction server (column 9, lines 46-56), the transaction server implementing a transaction in accordance with the user action (column 9, lines 46-65, column 12, lines 29-54).

Regarding claims 13, 18, 19, and 24, Kaiser discloses that the data and script may be transmitted via a broadcast network (column 5, lines 33-49).

Regarding claim 14, Kaiser discloses a system for transmitting interactive television information over a television broadcast (column 5, lines 33-49, video and data may be transmitted via broadcast), comprising:

A server 1500 having a processor coupled to a memory 1600 (figure 1, the server inherently includes a processor as a processor is required to handle requests, transmit data and access databases), the memory having computer readable code which when executed by the processor to perform a method (column 5, line 55-column 6, line 8) comprising:

utilizing business data in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

generating a script using a script authoring tool (column 11, line 62-column 12, line 5, figure 5, scripts are generated and transmitted to a user so that a user may request information or purchase a product, Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to

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load or run an XML page, wherein said business data is processed according to said generated script (column 11, line 62-column 12, line 39, the information request is satisfied via a received HTML or XML page, or scripts); and

streaming the business data and the script to a receiver for generating video information for a user's television (column 7, lines 37-50, WebTV or STB with TV), wherein the receiver uses the script to access the compiled business data and generate a presentation of the products for the user (column 8, line 29-column 10, line 8, figure 6a).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

Regarding claim 20, Kaiser discloses a system (figure 1) for receiving interactive television information and providing interactive television to user , comprising:

A receiver 1300 having a processor coupled to memory (column 7, lines 37-50, a general PC or WebTV, both of which contain processors coupled to memory), the memory having computer readable code which when executed by the processor causes the receiver to perform a method comprising:

Processing requests within a script to download business data (figures 5, 6a column 9, lines 32-46, column 10, lines 1-8),

Receiving business data in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63, column 6, lines 14-19), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

Processing requests within the script to map an item of the business data into a position within an authored page template (column 9, line 44-column 10, line 7), wherein a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

Regarding claim 21, Kaiser discloses receiving a selection of one of the product descriptions from the user (column 8, lines 44-56, column 9, lines 44-61, column 12, lines 29-42), transmitting the selection to a transaction server (column 12, lines 55-65), the transaction server for implementing a transaction in accordance with the selection (column 12, lines 55-65).

Regarding claim 25, see claim 8.

Regarding claim 26, see claim 9.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL


Hunter Lonsberry
Patent Examiner
Art Unit 2623